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Commissioner of Patents, Washington, DC 20231, on September 7, 2001.

Amy Jonsson  
Amy Jonsson  
Signature Date: September 7, 2001

Attorney Docket No.: RXSD 1001-3

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): VINCENT PLUVINAGE et al.

Appl. No.: 09/830,488

Confirm. No.: 8079

Filed: 26 April 2001

Title: System and Method for Producing and Storing  
Hearing Profiles and Customized Audio Data Based  
on Such Hearing Profiles

Art Unit: 2227

Examiner: Unassigned

Customer No. 22470

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56

Commissioner of Patents  
Washington, DC 20231

Sir:

It is requested that the information identified in this statement be considered by the Examiner and made of record in the above-identified application. This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56. If this is a continuation, divisional or continuation-in-part application, it is understood that the Examiner will consider all information which was considered by the Office in a parent application. MPEP §609. Such information therefore is not listed herein unless it is desired that the information be printed on a patent issuing from the subject application.

*Enclosed with this statement are the following:*

- ☒ Form PTO-1449. The Examiner is requested to initial the form and return it to the undersigned in accordance with M.P.E.P. §609.
- ☒ A copy of each cited document as required by 37 C.F.R. §1.98. Copies are not submitted of documents previously submitted by the applicant in a parent application from which benefit under 35 U.S.C. §120 is claimed, 37 C.F.R. §1.98(d)(1), with an information disclosure statement submitted in the parent application which complies with the Sept. 8, 2000 or subsequent revision of 37 C.F.R. §1.98(a-c). If any of the cited/submitted documents is in a foreign language, a concise explanation of relevance is provided pursuant to 37 C.F.R. §1.98(a)(3)(i). For foreign language documents cited in a search report by a foreign patent office, the requirement for a concise explanation of relevance

is satisfied by the submission herewith of an English language version of the search report. MPEP §609A(3). If a written English-language translation of a non-English language document, or portion thereof, is within the possession, custody or control of, or is readily available to any individual designated in §1.56(c), a copy of the translation accompanies this statement, 37 C.F.R. §1.98(a)(3)(ii), and satisfies the requirement for a concise explanation of relevance, MPEP §609A(3).

— **PTA Statement under 37 C.F.R. §704(d).** Each item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in §1.56(c) more than thirty days prior to the filing of the information disclosure statement.

***This statement should be considered because:***

X **37 C.F.R. §1.97(b).** This statement qualifies under 37 C.F.R. §1.97, subsection (b) because:

- (1) It is being filed within three months of the filing date of an application other than a continued prosecution application under § 1.53(d);  
-- OR --
- (2) It is being filed within 3 months of entry of a national stage;  
-- OR --
- (3) It is being filed before the mailing date of the first Office Action on the merits,  
-- OR --
- (4) It is being filed before the mailing date of the first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114.

— **37 C.F.R. §1.97(c).** Although it may not qualify under subsection (b), this statement qualifies under 37 C.F.R. §1.97, subsection (c) because:

- (1) It is being filed before the mailing date of a FINAL office action, a Notice of Allowance, or an action that otherwise closes prosecution in the subject application, whichever occurs first.

-- AND (check at least one of the following) --

- (1) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e).  
-- OR --  
— (2) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

— **37 C.F.R. §1.97(d).** Although it may not qualify under subsection (b) or (c), this statement qualifies under 37 C.F.R. §1.97, subsection (d) because:

- (1) It is being filed on or before payment of the issue fee;  
-- AND --
- (2) It is accompanied by a STATEMENT as set forth in 37 C.F.R. §1.97(e);  
-- AND --
- (3) It is accompanied by the \$180 fee set forth in 37 C.F.R. §1.17(p).

Application No. 09/830,488

☒ **Fee Authorization.** The Commissioner is hereby authorized to charge underpayment of any additional fees or credit any overpayment associated with this communication to Deposit Account No. 50-0869. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

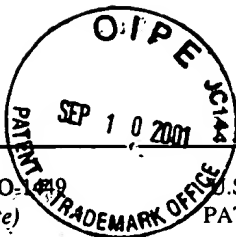
HAYNES BEFFEL & WOLFELD LLP

Date: 7 September 2001

By: 

Mark A. Haynes, Reg. No. 30,846

HAYNES BEFFEL & WOLFELD LLP  
P.O. Box 366  
Half Moon Bay, CA 94019  
Telephone: 650-712-0340  
Facsimile: 650-712-0263



Form PTO-1449 (Substitute)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	Attorney Docket Number RXSD 1001-3	Serial/Patent Number 09/830,488
		Applicant/Patent Owner PLUVINAGE et al.	
		Filing/Issue Date 26 April 2001	Group Art Unit 2227

**INFORMATION DISCLOSURE STATEMENT  
BY APPLICANT**  
(Use several sheets if necessary)

**U.S. PATENTS**

Examiner Initial	Patent Number	Issue Date	First Named Inventor	Class	Subclass	Filing Date
	5,928,160	07/27/99	Clark et al.	600	559	10/30/96
	4,284,847	08/18/81	Besserman	179	1	02/08/80
	5,197,332	03/30/93	Shennib	73	585	02/19/92
	3,808,354	04/30/74	Feezor et al.	179	1 N	12/13/72

**FOREIGN PATENT DOCUMENTS**

Examiner Initial	Document Number	Publication Date	Country	Class	Subclass	Translation	
						Yes	No
	WO 00/64350	11/02/00	WO - PCT			X	
	DE 196 00 234 A1	07/10/97	Germany			Abstract only	
	DE 198 15 373 A1	10/14/99	Germany			Abstract only	
	DE 299 05 172 U1	06/10/99	Germany			Abstract only	
	WO 01/52737 A1	07/26/01	WO - PCT			X	

**OTHER DOCUMENTS** (Include author (if any), title, publisher and place of publication, date and pertinent pages)


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Examiner	Date Considered
<b>*EXAMINER:</b> Initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	
*1 = Copy not submitted because it was submitted in prior application SN <u>      </u> / <u>      </u> , filed <u>      </u> , 20 <u>  </u> , relied on under 35 USC §120.	
*2 = Copy not submitted because it was submitted in prior application SN <u>      </u> / <u>      </u> , filed <u>      </u> , 20 <u>  </u> , relied on under 35 USC §120.	